



General Assembly

February Session, 2010

Raised Bill No. 369

LCO No. 1757

01757_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

***AN ACT CONCERNING THE ENFORCEMENT OF SURETY
CONTRACTS BY NURSING HOMES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-539 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 (a) Each nursing home facility shall disclose in writing to all
4 prospective patients a complete and accurate list of all additional costs
5 which may be incurred by them and such nursing home facility shall
6 display or cause to be displayed copies of such list in conspicuous
7 places therein.

8 (b) Nursing home facilities, as defined in section 19a-521, shall be
9 prohibited from enforcing a surety contract on behalf of an applicant
10 required as a condition of admission unless: (1) The guarantor under
11 such contract or his spouse or his children or his grandchildren has
12 received an assignment or transfer or other disposition of property for
13 less than fair market value, pursuant to section 17b-261, from the
14 applicant; [or (2) the applicant fails to return a properly completed
15 application for Title XIX benefits to the Department of Social Services

16 in accordance with its regulations;] and [(3)] (2) such contract contains
17 a clause which states the contract is enforceable against the guarantor
18 or his spouse or his children or his grandchildren if such guarantor or
19 his spouse or his children or his grandchildren have received an
20 assignment or transfer or other disposition of property for less than
21 fair market value, pursuant to section 17b-261, from the applicant. [or
22 if said applicant fails to return a properly completed application for
23 Title XIX benefits to the Department of Social Services in accordance
24 with its regulations.]

25 (c) Nothing in this section shall be interpreted as prohibiting the
26 acceptance of a voluntary surety contract.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	19a-539

Statement of Purpose:

To prohibit nursing homes from enforcing surety contracts against a guarantor who fails to return a properly completed application for Title XIX benefits to the Department of Social Services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]